IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

Crl.Rev.Pet.No. 107 of 1999()

CC.310/1990 of JUDL. MAGISTRATE OF FIRST CLASS, VAIKOM
CRA.57/1992 of SESSIONS COURT, KOTTAYAM

.....

REVN. PETITIONER/APPELLANT/ACCUSED:

ELIYAS, S/o.ULAHANNAN, KAVATTUKUZHIYIL VEEDU,
PERUVA KARA, MULAKULAM VILLAGE.

BY ADV. SRI.C.C.THOMAS

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
CIRCLE INSPECTOR OF POLICE, VAIKOM,
(REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM)

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.363 OF 1999 IN CRL.R.P.NO.107 OF 1999

DISMISSED

15-06-2007 Sd/- K.R.UDAYABHANU,JUDGE

TRUE COPY

P.A.TO JUDGE

K.R. UDAYABHANU, J.

Crl. R.P. No.107 of 1999

Dated 15th June, 2007

ORDER

The revision petitioner/accused stands convicted for the offences under sections 279, 337 and 304(A) IPC and sentenced to undergo rigorous imprisonment for six months for the offence under section 279 IPC and rigorous imprisonment for three months for the offence under section 337 IPC and rigorous imprisonment for one year for the offence under section 304(A) IPC.

2. The prosecution case is that on 15-1-1990 at about 9-15 a.m., the vehicle driven by the accused/revision petitioner dashed against the scooter driven by the deceased due to the rash and negligent driving on the part of the revision petitioner. Counsel for the revision petitioner has only pleaded for modification of the sentence pointing out that more than 17 years have elapsed since the incident took place and the

commencement of the proceedings. It is further pointed out that the revision petitioner has been facing the criminal proceedings so long and also that he has obtained a government job thereafter. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.35,000/- to the L.Rs of the deceased Gopalan. The revision petitioner is granted two months time from today onwards to remit the amount of compensation. He shall appear before the JFCM, Vaikom on 16-8-2007 to receive the sentence.

3. The revision petitioner is presently working as a driver in Excise Department, it is submitted. It is made clear that this conviction and sentence will not be a disqualification to his present employment.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO.107 OF 1999

ORDER

15-6-2007.